

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: )  
LA FAMILIA DEL PASO, INC., ) Case No. 24-30847-CGB  
Debtor. ) Chapter 11

**ORDER GRANTING MOTION FOR**  
**AUTHORIZATION TO USE CASH COLLATERAL OF THE UNITED STATES OF**  
**AMERICA, SMALL BUSINESS ADMINISTRATION AND PROVIDE**  
**ADEQUATE PROTECTION PURSUANT TO**  
**11 U.S.C. §§ 361(1), (2), 363(e)**

Came on this day for consideration of the *Motion for Authorization to Use Cash Collateral of the United States of America, Small Business Administration and Provide Adequate Protection Pursuant to 11 U.S.C. §§ 361(1), (2), 363(e)* (the “Motion”).

The Debtor-in-Possession *La Familia del Paso, Inc.* ("La Familia") appeared through its attorneys of record Carlos A. Miranda, Esq. of *Miranda & Maldonado, P.C.* The *United States of America Small Business Administration* (the "SBA") appeared through its attorney of record Steven B. Bass, United States Attorney. The City of El Paso appeared through its attorney of record Don Stecker of *Linebarger Goggan Blair & Sampson, L.L.P.*

After consideration of the pleadings, and reviewing the proposed *Interim Agreed Order* (the "Interim Agreed Order") executed by Counsel for the Parties, and further noting that no objections were filed to the relief requested in the *Motion*, this Court is of the opinion that the relief requested in the *Motion* should be granted.

It is therefore, ORDERED, ADJUDGED, and DECREED, that *La Familia* will provide adequate protection to the SBA for the use of its *Cash Collateral* under the following terms:

a). *La Familia* will make adequate protection payments of **\$1,000 per month** beginning no later than **August 30, 2024**, and continuing thereafter on the **30<sup>th</sup> day** of each successive month (the "Adequate Protection Payment") until a *Plan* is confirmed or until further Order of the Court.

b). Payment by checks or money orders will be made to the following address and *La Familia* will include the Case Number and EIN on each remittance:

**United States of America, Small Business Administration**

c). *La Familia* will provide the SBA replacement liens on property, inventory, and accounts receivable acquired and generated by *La Familia*'s post-petition with the same priority as the SBA's pre-petition lien in the extent reflected by its **Form**

**UCC-1.**

*La Fam**tion for*  
*Authorization to Use Cash Collateral of the United States of America, Small Business Administration and Provide*  
*Adequate Protection Pursuant to 11 U.S.C. §§ 361(1), (2), 363(e)* - Page 1

d). *La Familia* will continue maintaining casualty insurance on all business assets and provide written evidence of insurance to the SBA upon request.

e). If *La Familia* should default on the above conditions, the SBA will notify the Debtor's attorney of the default. If the default is not cured within fifteen (15) days of the date of notification, the continued use of cash collateral is denied, and the SBA may file a motion to dismiss or convert the case to Chapter 7. Pursuant to the terms of the order on the use of *Cash Collateral*, *La Familia* may cure a default twice.

f). As further future adequate protection, *La Familia* will market for sale the unimproved real property described below on which the SBA holds a first lien, with the sales proceeds being allocated to closing costs; broker commission, if any, outstanding and prorated *ad valorem* real property taxes, Chapter 11 administrative expenses, and the SBA -

**Geographic ID:**

X581999129C0440

**Legal Description:**

81 TSP 1 SEC 29 T & P SURV TR 4D2 (0.0760 AC) & TR 4D3 (0.6812 AC) & TR 4D1B2C1 (0.0637 AC) & TR 4D1B2F (0.2049 AC)

This *Agreed Order* does not substitute for a motion to sell the property pursuant to 11 U.S.C. §363(b), and *La Familia* will file the appropriate motion to sell.

It is further, ORDERED, ADJUDGED, and DECREED, that *La Familia* will provide adequate protection to the *City of El Paso Tax Assessor Collector* for the use of its *Cash Collateral* under the following terms:

a). Notwithstanding any provisions of any *Interim Order* and the *Final Order*, the *ad valorem* tax liens currently held by the City of El Paso or any post-petition statutory liens which shall arise post-petition pursuant to Texas law (collectively the “*Tax Liens*”), incident to any property of the Debtor and/or Estate shall neither be primed by nor subordinated to any liens granted herein.

It is further, ORDERED, ADJUDGED, and DECREED, that the *Agreed Order* approving the use of cash collateral shall be an *Interim Order*. A final hearing on the use of *Cash Collateral* is set for **August \_\_\_, 2024 at 10:00 a.m.** in the United States Bankruptcy Court for the Western District of Texas, El Paso Division. If no *Objection(s)* are filed to this *Interim Agreed Order* prior to or on that date, the use of *Cash Collateral* shall be deemed a *Final Order* until confirmation of any *Plan of Reorganization* filed by *La Familia* or further order of this Court.

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**ORDER SUBMITTED BY:**

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*La Familia de El Paso, Inc./United States of America, Small Business Administration – Order on Motion for Authorization to Use Cash Collateral of the United States of America, Small Business Administration and Provide Adequate Protection Pursuant to 11 U.S.C. §§ 361(1), (2), 363(e)* - Page 3